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Commonwealth of Massachusetts  
Executive Office of Environmental Affairs



## Department of Environmental Protection

William F. Weld  
Governor

Trudy Coxe  
Secretary, EOE

Thomas B. Powers  
Acting Commissioner

### HAZARDOUS WASTE REGULATIONS FOR MASSACHUSETTS

### PUBLIC HEARING DRAFT AMENDMENTS TO REGULATIONS JULY-AUGUST 1994

GOVERNMENT DOCUMENTS  
COLLECTION

AUG 0 1994

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**Prepared by:**

**The Commonwealth of Massachusetts  
Executive Office of Environmental Affairs  
Department of Environmental Protection  
Bureau of Waste Prevention  
Division of Hazardous Materials  
Hazardous Waste Program**


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Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

## Department of Environmental Protection

William F. Weld  
Governor

Trudy Coxe  
Secretary, EOE

Thomas B. Powers  
Acting Commissioner

Dear Citizen:

I am pleased to send you this copy of the Public Hearing draft dealing with amendments and additions to the Massachusetts hazardous waste regulations. These regulatory amendments have been developed with the goals of further strengthening, clarifying and extending the hazardous waste management regulations in order to better protect the public health, safety and welfare and the environment, and to ensure that Massachusetts maintains its authority to administer its hazardous waste program in lieu of the federal program.

The process of developing and further refining the Department's regulations is ongoing. The Department continues to benefit from the cooperation of industry, environmental groups and other concerned citizens in addressing these complex issues.

After reviewing this Public Hearing draft, I hope that you will comment on it and that you will attend one of the public hearings to be held by the Department in July and August. Your comments will be carefully considered as we continue to develop and amend the Department's regulations so that they will contribute to improving the public health, safety and welfare and the environment, in such a way as to maintain the economic well-being of the Commonwealth.

Very truly yours,

Thomas B. Powers  
Acting Commissioner





The Commonwealth of Massachusetts  
Department of Environmental Protection  
Hazardous Waste Program  
Notice

Notice is hereby given that the Department of Environmental Protection, acting in accordance with the provisions of M.G.L. c. 21C, ss. 4 and 6, will hold six (6) public hearings at the times and places set forth below.

The first set of proposed regulations relates to the rules for hazardous waste innovative technology. A new permit category will be added in 310 CMR 30.800 to allow facilities to conduct research, development and demonstration activity using one or more hazardous waste streams for the sole purpose of developing new treatment or recycling technology for marketing and/or application elsewhere.

The second set of proposed regulations amends the hazardous waste rules for treatability studies by changing how the total quantity of hazardous waste allowed for treatability studies is counted. The third set of proposed regulations makes the security requirements for handlers of regulated recyclable materials consistent with those for hazardous waste generators. The tank compliance requirements for generators will also be amended in the areas of closure, post-closure and financial responsibility. The fourth set of amendments concerns the direct transfer of hazardous waste from one authorized vehicle to another at a facility which has a condition in its license that allows such transfers for the particular wastes being transported.

The fifth set of regulations will clarify the ability of the Department to return monies held in Insolvency Fund mechanisms to any facility which secures third-party liability insurance with a claims-made policy retroactive to February 13, 1984. In addition, a number of minor amendments are being proposed to clarify 310 CMR 30.000. The public hearings will be conducted under the provisions of M.G.L. Chapter 30A on:

Tuesday, July 26, 1994 - Springfield - 10:00 a.m.  
Department of Environmental Protection  
Western Regional Office  
436 Dwight St., Room 318

Friday, July 29, 1994 - Worcester - 9:30 a.m.  
Department of Environmental Protection  
Central Regional Office  
75 Grove St., Wachusett Room

Tuesday, August 2, 1994 - Boston - 9:00 a.m.  
Department of Environmental Protection  
One Winter Street, 10th Floor Conference Room

Tuesday, August 2, 1994 - Lakeville - 10:00 a.m.  
Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Dr., 1st Floor Conference Room

Thursday, August 4, 1994 - Woburn - 9:00 a.m.  
Department of Environmental Protection  
Metro Boston/Northeast Regional Office  
10 Commerce Way

Friday, August 5, 1994 - Boston - 9:00 a.m.  
Department of Environmental Protection  
One Winter Street, 10th Floor Conference Room

Testimony may be presented orally and/or in writing at the public hearings. Parties providing written testimony are requested to submit two copies of their testimony. The period for accepting written comments will remain open until 5 p.m. on August 5, 1994. Submit to: Department of Environmental Protection, Division of Hazardous Materials, c/o James Paterson, 7th Floor, One Winter St., Boston, MA, 02108.

Copies of the proposed regulations will be available for inspection at each of Department's regional offices. Copies may be obtained, free of charge, from the Division of Hazardous Materials, 7th Floor, One Winter St., Boston, MA 02108.

By order of the Department,

Thomas B. Powers  
Acting Commissioner



**310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Summary of Proposed Hazardous Waste Regulations  
July-August 1994**

**1. Hazardous Waste Innovative Technology Regulations--**A new permit category will be added in 310 CMR 30.800 to allow facilities to conduct research, development and demonstration activity using one or more hazardous waste streams for the sole purpose of developing new treatment or recycling technology for marketing and/or application elsewhere. The regulations will not apply to facilities that intend to operate a commercial treatment or recycling operation, or otherwise employ the technology, at the same site.

**2. Treatability Studies:** These rules will be amended by changing how the total quantity of hazardous waste allowed for treatability studies is counted. The proposed change will increase the amount of hazardous waste that can be subjected to treatability studies because the allowable quantity will be based only on the amount of hazardous waste "as received." Currently 310 CMR 30.000 requires that the "total quantity" must also include treatment materials and treatability study residues. This change will make Massachusetts consistent with the federal rules.

**3. Changed Security Requirements for Handlers of Regulated Recyclable Materials:** These rules will be amended so that the security requirements for handlers of regulated recyclable materials are consistent with those for hazardous waste generators.

**4. Tank Compliance Requirements for Generators:** Amendments will clarify the tank compliance standards for generators in the areas of closure, post-closure, financial responsibility, closure performance standards and decontamination\disposal of equipment.

**5. Hazardous Waste in Transit:** Rules regarding direct transfer of hazardous waste from one authorized vehicle to another at a facility which has a condition in its license that allows such transfers for the particular wastes being transported.

**6. Return of Monies Held in Insolvency Fund Mechanisms:** Amendments will clarify the ability of DEP to return monies held in Insolvency Fund mechanisms to any facility which secures third-party liability insurance with a claims-made policy retroactive to February 13, 1984.

**7. Miscellaneous Amendments and Corrections to 310 CMR 30.000.**

## HAZARDOUS WASTE INNOVATIVE TECHNOLOGY REGULATIONS

Regulations for Licensing the Continuing Research, Development, and Demonstration of Innovative Hazardous Waste Management Technologies

### Sections Affected:

30.010: Definitions  
30.099: Transition Provisions  
  
30.860: Special Forms of Licenses  
30.861: Emergency License  
30.862: License for Land Treatment Demonstration  
30.863: Research, Development, and Demonstration Facilities and Approvals  
30.864: Research Facility License

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1. 310 CMR 30.010 is hereby amended by inserting the following definition:-

Construction, with respect to any project of construction under M.G.L. c. 21C, means

(1) the erection or building of new structures and acquisition of lands or interests therein, or the acquisition, replacement, expansion, remodeling, alteration, modernization, or extension of existing structures, and

(2) the acquisition and installation of initial equipment of, or required in connection with, new or newly acquired structures of the expanded, remodeled, altered, modernized or extended part of existing structures (including trucks and other motor vehicles, and tractors, cranes, and other machinery) necessary for the proper utilization and operation of the facility after completion of the project; and includes preliminary planning to determine the economic and engineering feasibility and health and safety aspects of the project, the engineering, architectural, legal, fiscal, and economic investigations and studies, and any surveys, designs, plans, working drawings, specifications, and other action necessary for the carrying out of the project, and

(3) the inspection and supervision of the process of carrying out the project to completion.



2. 310 CMR 30.010 is hereby amended by inserting the following definition:-

Research study means the continuing research, development and demonstration activity conducted by a research facility, in which a hazardous waste is subjected to an innovative and experimental treatment, recycling or disposal technology or other process, for which permit or license standards have not been promulgated under 310 CMR 30.000, and for the sole purpose of determining (1) whether the waste is amenable to such process, (2) what pretreatment, if any is required, (3) the optimal process conditions needed to achieve the desired treatment, recycling or disposal, (4) the efficiency of such process for a specific waste or wastes, (5) the characteristics and volumes of residuals from a particular process, and/or (6) cost effectiveness. For the purpose of implementing 310 CMR 30.864, this definition also includes liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. This definition does not include, and "research study" is not, an activity conducted pursuant to 310 CMR 30.099(23), 30.104(19), 30.200, 30.801, or 30.863, or a means to store, treat or dispose of hazardous waste commercially, or to employ the technology otherwise at the research facility site.

3. 310 CMR 30.010 is hereby amended by inserting the following definition:-

Demonstration means the initial exhibition of a new technology, process or practice or a significantly new combination or use of technologies, processes or practices, subsequent to the development stage, for the purpose of proving technological feasibility and cost effectiveness.

4. 310 CMR 30.010 is hereby amended by inserting the following definition:-

Research facility means a site or works at which research studies are conducted or where hazardous waste is otherwise subjected to an innovative and experimental treatment, recycling, or disposal technology or other process for which permit or license standards have not been promulgated under 310 CMR 30.000. Without limiting the generality of the foregoing, such facility may consist of several operating units, and shall include all land, structures, and other appurtenances and improvements which are directly related to continuing research, development, and demonstration activity. This definition does not include, and research facility is not, a facility licensed pursuant to 310 CMR 30.099(23), 30.104(19), 30.200, 30.801 or 30.863 or any provision of 310 CMR 30.000 other than 310 CMR 30.864.

5. 310 CMR 30.099 is hereby amended by inserting the following subsections at the end of said section:-

(26) Effective on and after September 1, 1994, any person who intends to or does conduct a research study, as defined in 310 CMR 30.010, is subject to, and shall comply with the research facility license requirements in 310 CMR 30.864, subject to the following provisions:

(a) Any person who, on September 1, 1994, conducts research studies or otherwise engages in continuing research, development, and demonstration activity for which such person has Department approval may continue to do so. Within thirty (30) days of September 1, 1994, any such person who intends to continue conducting research studies shall submit to the Department a preliminary application, pursuant to 310 CMR 30.864(2)(b). Until a final research facility license decision takes effect pursuant to 310 CMR 30.864, such person shall at all times comply with each term and condition of any approval issued by the Department for such activity prior to September 1, 1994. Every prior approval shall expire at the end of its term, and is not subject to the provisions of 310 CMR 30.821.

(b) Any person who intends to conduct a research study shall apply for, obtain and have in effect a valid research facility license prior to construction, operation or maintenance of a research facility.

(27) Effective on and after September 1, 1994, any person who intends to or does generate or collect samples for the purpose of conducting a research study is subject to, and shall comply with, the requirements of 310 CMR 30.000, except as provided in 310 CMR 30.099(27) and 30.864.

(a) Any person who intends to or does generate or collect samples for the purpose of conducting a research study shall comply with the requirements of 310 CMR 30.000, except as otherwise provided in 310 CMR 30.099(27)(b) and (c), when:

1. The generator or sample collector is accumulating or storing a sample prior to transportation to a research facility; or

2. The generator or sample collector is collecting and preparing a sample for transportation; or



3. The generator or sample collector is transporting, or causing to have transported, a sample to a research facility for the purpose of conducting a research study.

(b) Any person who intends to or does generate or collect samples, in excess of treatability study limits as set forth in 310 CMR 30.099(23), for the purpose of conducting a research study shall comply with the following requirements:

1. For each treatment or disposal process evaluated for each generated waste stream, the generator or sample collector shall accumulate for a research study no more than the quantity of such waste stream that is determined to be necessary for the purpose of such study and specified in a contractual agreement with the destination research facility; and

2. The generator or sample collector shall accumulate at any one time for all research studies no more than the total quantities of various waste streams that are determined to be necessary for the purpose of such studies and specified in one or more contractual agreements with the destination research facility; and

3. The generator or sample collector shall package the sample to ensure that the sample will not leak, spill, or vaporize from its packaging during shipment; and

4. The generator or sample collector shall cause the sample to be shipped only to a research facility which has a valid license issued by the Department pursuant to 310 CMR 30.864; and

5. The generator or sample collector who transports or offers for transport any sample shall comply with all manifest requirements in 310 CMR 30.310; and

6. The generator or sample collector shall maintain the following records for a period of at least three (3) years after completion of a research study, or for the duration of any unresolved enforcement action, whichever period is longer:



- a. Copies of all manifests;
- b. A copy of the contractual agreement with the research facility conducting the research study;
- c. Documentation showing:
  - (i) The amount of waste transported pursuant to 310 CMR 30.864;
  - (ii) The name, address, and EPA identification number of the research facility that received the waste; and
  - (iii) The date of the shipment(s) to the research facility.

7. A large quantity generator shall report the information required in 310 CMR 30.864(b)7.c. in its Biennial Report, as described in 310 CMR 30.332.

(c) Any person who intends to or does generate or collect samples, below treatability study limits set forth in 310 CMR 30.099(23), for the purpose of conducting a research study shall comply with all applicable requirements set forth in 310 CMR 30.099(23).

6. 310 CMR 30.860 is hereby amended by renumbering sections 30.860, 30.861 and 30.862 as 30.861, 30.862 and 30.863, respectively. [Number/title changes only].

7. 310 CMR 30.860 is further amended so that it reads as follows:-

30.860 SPECIAL FORMS OF LICENSES

8. 310 CMR 30.860 is further amended by inserting the following section at the end of the newly created 310 CMR 30.863:-

30.864 Research Facility License

(1) Applicability

(a) 310 CMR 30.864 is intended to protect public health, safety, and welfare, and the environment, by regulating the handling of hazardous waste on which a research study, as defined in 310 CMR 30.010, is being conducted. 310 CMR 30.864 applies to hazardous wastes on which a research study is being conducted, and does not apply to non-hazardous wastes on which such study is being conducted.

(b) 310 CMR 30.864 is promulgated pursuant to the authority set forth in 310 CMR 30.001. 310 CMR 30.864 is also promulgated pursuant to the authority set forth in M.G.L. c. 21C, s. 4 to waive regulation where there is no significant potential hazard to the public health, safety, or welfare, or the environment.

(c) Except as otherwise provided in 310 CMR 30.864, all procedures and requirements for licensing hazardous waste facilities, set forth in 310 CMR 30.000, are presumed to apply unless the Department is persuaded by the applicant for, or the holder of, a research facility license that the waiver of any of these requirements will not present a significant potential hazard to the public health, safety, or welfare, or the environment. The Department may deem any license application in 310 CMR 30.800 to be applicable. The Department may modify or waive any requirements in 310 CMR 30.800, except that the Department may modify, but shall not waive, requirements regarding financial responsibility, including insurance, or procedures regarding public participation.

(2) License Application Process and Requirements

(a) Application Form and Completeness.

1. Any person required to have a research facility license shall complete, sign, and submit an original application, plus three copies, to the Department. The Department may prescribe a form(s) which shall be used by all applicants.

2. The applicant shall be required to submit such information concerning the proposed research facility or activity as the Department may require.

3. An application, or any part thereof, shall be deemed complete when the Department receives the application or partial submission, and determines that all required information has been submitted and all applicable fees have been paid to the Department, provided that the Department may require additional information at any time. The Department shall request such additional information in writing.

4. The Department may either deem a license application incomplete or deny a license if an applicant fails or refuses to correct deficiencies in the application.



5. The Department may deny a research facility license before receiving a complete application for a license.

(b) Preliminary Application. All research facility license applications shall include at least the following information:

1. All information required in 310 CMR 30.803;
2. A checklist of all requirements applicable to hazardous waste facilities, as set forth in 310 CMR 30.000, on a form provided by the Department, and on which the applicant preliminarily identifies those requirements that may be applicable to the research facility; and
3. A detailed description of the proposed research study activity, including, but not limited to, the following information:
  - a. A discussion of the goals and objectives of each proposed technology, process or activity;
  - b. An analysis indicating the benefits of each proposed technology, process or activity;
  - c. A description of the applicability of each proposed technology, process or activity to hazardous waste management in general;
  - d. Identification of all types and quantities of hazardous wastes, including chemical names and waste codes, proposed to be received, handled and processed at the research facility at any one time, and to be necessary for purposes of determining the efficiency and performance capabilities of each proposed technology, process or activity;
  - e. A description of how the applicant intends to provide for the receipt, handling, processing and ultimate treatment or disposal after processing of those types and quantities of hazardous waste proposed to be necessary for purposes of determining the efficiency and performance capabilities of each technology, process or activity;



f. Procedures for obtaining detailed chemical and physical analyses of representative samples of wastes prior to receipt by the research facility;

g. Chemical and physical screening methods used to verify that the hazardous waste received from generators and sample collectors is as described upon receipt of the waste at the research facility;

h. A technical analysis indicating environmental, public health and safety benefits and risks from each proposed technology, process or activity;

i. A site plan indicating the location of the research facility;

j. An operational plan outlining operational details of the research facility, the particular types of equipment required for proper operation and a discussion of measures to be taken to ensure the protection of public health, safety and the environment;

k. A data collection and analysis plan which outlines all data collection and analysis procedures, protocols and reporting formats required to document and evaluate whether the research facility has achieved its objectives;

l. A listing and status of all required permits or construction approvals for all activity conducted, or intended or proposed to be conducted by the applicant at the research facility; and

m. Such other descriptions, plans or information as the applicant may believe, or the Department may deem necessary to review the preliminary application.

(c) Applicability Determination. Within thirty (30) days of determining that a preliminary application is complete, the Department may either:

1. Approve the scope of the application, as proposed by the applicant pursuant to 310 CMR 30.864(b)2 and 3, at which time the Department shall set a schedule with dates by which the applicant shall submit information concerning

requirements identified by the applicant as being applicable to the research facility; or

2. Hold a scoping meeting, or otherwise determine, with the applicant whether any license application requirements in 310 CMR 30.800, not identified by the applicant as applicable, should be deemed applicable, modified or waived. Upon such determination, the Department shall set a schedule with dates by which the applicant shall submit information concerning requirements determined to be applicable to the research facility.

(d) Decision Schedule. Within 30 days of deeming a license application complete for the purpose of initiating the review process, the Department shall set a decision schedule estimating dates by which it intends to give public notice, complete the public comment period and issue a final license decision.

(3) Additional Conditions of Research Facilities.

(a) Accumulation Limits and Inventory Control.

1. The research facility shall be deemed the generator of:

a. All "as received" hazardous waste which is not used in processing a specific waste stream. "As received" waste means the waste as originally received in the shipment from the generator or sample collector; and

b. All hazardous waste which results from processing a specific waste stream.

2. The research facility shall initiate, in any one day, processing on no greater total quantity of "as received" hazardous waste than is necessary for purposes of conducting a research study. The Department may specify limitations on the quantity of hazardous waste processed daily as a specific condition of the license.

3. The total quantity of hazardous waste accumulated at a research facility at any one time shall not at any time exceed the quantity specified in the license.



4. Until such time as the Department may issue to the research facility a license for the storage of hazardous waste pursuant to 310 CMR 30.800, the research facility shall accumulate hazardous waste, in compliance with the quantity specified in the license, for a period not to exceed ninety (90) days from the date of generation of such wastes. The date of generation shall be either:

a. The date of receipt of "as received" hazardous waste by the research facility from the original generator or sample collector; or

b. The date of the processing run from which hazardous waste results.

5. Except as otherwise provided in 310 CMR 30.864(3)(a), the research facility shall accumulate all hazardous waste in compliance with the requirements of 310 CMR 30.340.

6. The research facility shall maintain a daily inventory of the type and volume of hazardous waste in each accumulation, storage, flo-bin and processing unit.

7. Any deadline set forth in 310 CMR 30.864(3)(a) may be extended only by prior written approval of the Department.

(b) Disposition of Waste Remaining After Processing.

1. All "as received" hazardous waste which is not used in processing a specific waste stream is subject to 310 CMR 30.305 and all other applicable provisions of 310 CMR 30.000, and shall not be returned to the original generator or sample collector.

2. All waste and residues which result from processing a specific waste stream shall be considered hazardous waste, and subject to all applicable provisions of 310 CMR 30.000, unless the licensee demonstrates that the hazardous waste no longer:

a. Exhibits the characteristics identified and defined in 310 CMR 30.120 through 30.125 which distinguish hazardous waste from other waste; or



b. Contains the constituents, listed in Appendix VII, 40 CFR Part 261, which caused the waste to be listed in 310 CMR 30.130 as a hazardous waste.

(c) Recordkeeping and Reporting

1. The research facility shall prepare and submit a report to the Department by March 15 of each year, beginning in the 1995 reporting year due March 15, 1996, that includes estimates of research studies and the amount of waste expected to be used in each study during the current year, and includes, but is not limited to, the following information about activity during the previous calendar year:

a. The name, address and EPA identification number of the research facility;

b. The type (by process) of research study being conducted;

c. The total quantity and type, including waste code, of each hazardous waste subjected to research studies;

d. The total quantity of hazardous waste in storage each day, specifying:

i. The total quantity of "as received" hazardous waste; and

ii. The total quantity of hazardous waste which results from processing a specific waste stream;

e. The name, address and EPA identification number of each generator or sample collector for whom a research study is being conducted;

f. The date on which each shipment was received from each generator or sample collector, and the amount of each shipment;

g. The dates on which each research study was initiated and completed;

h. A detailed description of how each "as received" waste stream was processed throughout the course of a research study, specifying:

i. The volume of each waste stream introduced daily into each processing run;

ii. The type and volume of each co-reactant that may be introduced into each processing run;

iii. The type, volume, mass balance and market value of each product that may be recovered from each processing run;

iv. The type, volume, mass balance, disposition and cost of disposal of all residual waste that may result from each processing run;

v. The net incremental operating cost of conducting each processing run; and

vi. The total volume of each waste stream processed through each processing run.

i. The final disposition of all hazardous waste generated by the research facility, as defined in 310 CMR 30.864(3)(a)1., including:

i. The name, address and EPA identification number of each transporter employed by the research facility to transport such waste;

ii. The name, address and EPA identification number of each designated facility to which the research facility sends such waste;

iii. Types of waste, including waste codes, transported to the designated facility; and

iv. Dates of each shipment.

j. An evaluation, with supporting data, analyses and any other documentation necessary to demonstrate that the research facility is achieving its goals and objectives, including the rate of treatment, recycling and/or disposal achieved;

k. Documentation to demonstrate that the research facility accumulated each waste stream in compliance with 310 CMR 30.864(3)(a) and the terms and conditions of its license; and

1. Documentation to demonstrate that the research facility processed each waste stream in compliance with 310 CMR 30.864(3)(a) and any term and condition that may be set forth in its license.

2. The research facility shall keep on-site a copy of each contractual agreement for each research study and all shipping papers associated with the transport of hazardous waste for each study to and from the facility for a period ending not less than three (3) years from the completion date of each study, or for the duration of any unresolved enforcement action, whichever period is longer.

3. For three (3) years following completion of each research study conducted, or for the duration of any unresolved enforcement action, whichever period is longer, the research facility shall maintain copies of all records, documentation and information required in 310 CMR 30.864(3)(c).

4. Except as otherwise provided in 310 CMR 30.864(3)(c), all records and copies of all applications, reports, and other documents required by 310 CMR 30.000 and the terms and conditions of a license shall be subject to 310 CMR 30.543.

(d) Non-Applicability of A Research Facility License to Commercial Treatment, Recycling or Disposal Operations

A license issued pursuant to 310 CMR 30.864 does not authorize the licensee to conduct storage, treatment, disposal or recycling of hazardous waste, or otherwise to accept, handle or process hazardous waste at the research facility other than strictly in accordance with the terms and conditions of such license.



(e) Land Disposal and Open Burning Prohibition

In conducting continuing research, development and demonstration activity, the placement of hazardous waste into or on land, and the open burning of hazardous waste, are prohibited.

## **TREATABILITY STUDIES**

1. 310 CMR 30.104(19)(f) is hereby amended by inserting in its place the following:-

(f) The total quantity of "as received" hazardous waste for the purpose of evaluation in treatability studies, stored or accumulated at a laboratory or testing facility, shall not at any time exceed, in the aggregate, 1 kilogram of acutely hazardous waste, or 1,000 kilograms of hazardous waste that is not acutely hazardous waste, which 1,000 kilograms may include not more than 500 kilograms of soils, water, or debris contaminated with no more than 1 kilogram of acutely hazardous waste. The total quantity of "as received" hazardous waste does not include:

1. Treatability study residues; and
2. Treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

## **CHANGED SECURITY REQUIREMENTS FOR HANDLERS OF REGULATED RECYCLABLE MATERIALS**

1. 310 CMR 30.206(2) is hereby amended to read as follows:-

(2) Facility Security. If the permit authorizes the operation of a recycling facility, the design and operation of that facility shall be in compliance with the requirements set forth in 310 CMR 30.514 or with general security standards of equivalent stringency; except that, if the permit only authorizes the handling of Class A regulated recyclable materials, pursuant to 310 CMR 30.212, then security requirements found at 310 CMR 30.340(1)(i) are applicable.

## **TANK COMPLIANCE REQUIREMENTS FOR GENERATORS**

1. 310 CMR 30.340(1)(a)(2) is hereby amended to read as follows:-

2. Tanks meeting the standards set forth in 310 CMR 30.690 (Storage and Treatment in Tanks), except that a generator shall not be subject to 310 CMR 30.699(3) (governing secondary containment of aboveground tanks). Nor shall such a generator be subject to the requirements of 310 CMR 30.580 (Closure), 310 CMR 30.590 (Post-Closure Care), or 310 CMR 30.900 (Financial Requirements), except that such a generator shall be subject to the requirements of 310 CMR 30.582B (Closure Performance Standard), 310 CMR 30.585B (Decontamination and Disposal of Equipment) and the requirements of 310 CMR 40.0000.

## HAZARDOUS WASTE IN TRANSIT

1. 310 CMR 30.408 is hereby amended by striking out 310 CMR 30.408(5) and inserting in its place the following:-

(5) The transporter shall not unload any hazardous waste from the vehicle between the site of generation and the facility designated on the manifest except in the following circumstances:

- (a) a vehicle breakdown requires the transfer of the hazardous waste to another authorized vehicle for the purpose of continuing transportation; or
- (b) hazardous waste is unloaded from the vehicle and is transferred directly to another authorized vehicle at a facility which has a condition in its license that allows such transfers for the particular wastes being transported.

## RETURN OF MONIES HELD IN INSOLVENCY FUND MECHANISMS

1. 310 CMR 30.910(1)(b) is hereby amended by inserting at the end of the last sentence in said subsection the following:-

However, the Department may release all funds dedicated to a funding mechanism upon the showing by an owner or operator that the owner or operator no longer meets the eligibility requirements set forth in 310 CMR 30.910(1)(a), and has a valid claims-made policy which satisfies the requirements of 310 CMR 30.908(1)(a) through (d), and if applicable, 310 CMR 30.908(2)(a) through (d), provided that the policy retroactively covers any claim made on or after February 13, 1984, for as long as the facility remains subject to 310 CMR 30.900.

2. 310 CMR 30.910(1)(c)9.b. is hereby amended by inserting at the end of the last sentence in said subdivision the following:-

However, the Department may release all funds dedicated to the trust fund upon the showing by an owner or operator that the owner or operator no longer meets the eligibility requirements set forth in 310 CMR 30.910(1)(a), and has a valid claims-made policy which satisfies the requirements of 310 CMR 30.908(1)(a) through (d), and if applicable, 310 CMR 30.908(2)(a) through (d), provided that the policy retroactively covers any claim made on or after February 13, 1984, for as long as the facility remains subject to 310 CMR 30.900.



3. 310 CMR 30.910(1)(d)12.b. is hereby amended by inserting at the end of the last sentence in said subdivision the following:-

However, the Department may release all funds dedicated to a letter of credit upon the showing by an owner or operator that the owner or operator no longer meets the eligibility requirements set forth in 310 CMR 30.910(1)(a), and has a valid claims-made policy which satisfies the requirements of 310 CMR 30.908(1)(a) through (d), and if applicable, 310 CMR 30.908(2)(a) through (d), provided that the policy retroactively covers any claim made on or after February 13, 1984, for as long as the facility remains subject to 310 CMR 30.900.

4. 310 CMR 30.910(2)(b) is hereby amended by inserting at the end of the last sentence in said subsection the following:-

However, the Department may release all funds dedicated to a funding mechanism upon the showing by an owner or operator that the owner or operator no longer meets the eligibility requirements set forth in 310 CMR 30.910(1)(a), and has a valid claims-made policy which satisfies the requirements of 310 CMR 30.908(1)(a) through (d), and if applicable, 310 CMR 30.908(2)(a) through (d), provided that the policy retroactively covers any claim made on or after February 13, 1984, for as long as the facility remains subject to 310 CMR 30.900.

5. 310 CMR 30.910(2)(c)9.b. is hereby amended by inserting at the end of the last sentence in said subdivision the following:-

However, the Department may release all funds dedicated to the trust fund upon the showing by an owner or operator that the owner or operator no longer meets the eligibility requirements set forth in 310 CMR 30.910(1)(a), and has a valid claims-made policy which satisfies the requirements of 310 CMR 30.908(1)(a) through (d), and if applicable, 310 CMR 30.908(2)(a) through (d), provided that the policy retroactively covers any claim made on or after February 13, 1984, for as long as the facility remains subject to 310 CMR 30.900.

6. 310 CMR 30.910(2)(d)12.b. is hereby amended by inserting at the end of the last sentence in said subdivision the following:-

However, the Department may release all funds dedicated to a letter of credit upon the showing by an owner or operator that the owner or operator no longer meets the eligibility requirements set forth in 310 CMR 30.910(1)(a), and has a valid claims-made policy which satisfies the requirements of 310 CMR 30.908(1)(a) through (d), and if applicable, 310 CMR 30.908(2)(a) through (d), provided that the policy

retroactively covers any claim made on or after February 13, 1984, for as long as the facility remains subject to 310 CMR 30.900.

#### MISCELLANEOUS AMENDMENTS AND CORRECTIONS

1. 310 CMR 30.010, under the definition of Release, is hereby amended by striking out the words "and (4) the application of pesticides in a manner consistent with their labelling." and inserting the following:-

(4) the application of pesticides in a manner consistent with their labelling; and (5) the application of residuals in accordance with 310 CMR 32.00.

2. 310 CMR 30.064 is hereby amended by renumbering 310 CMR 30.064 (1) and (2) as 310 CMR 30.064 (2) and (3), respectively, and inserting the following:-

(1) A generator shall notify the Department in writing of the additional hazardous waste to be generated; or

3. 310 CMR 30.099(6)(b) is hereby amended by striking out "(b) 310 CMR 30.580 through 30.599, subject to the following provisions:" and inserting in its place the following:-

(b) 40 CFR Part 265 Subpart G [Closure and Post-closure], subject to the following provisions:"

4. 310 CMR 30.099(6)(b) is further amended by inserting the following division:-

8. the requirements of 310 CMR 30.582B [Closure Performance Standard], 310 CMR 30.585B [Disposal or Decontamination of Equipment], 310 CMR 30.587(2) and (3) [Completion and Certification of Closure], and 310 CMR 30.596(2) and (3) [Completion and Certification of Post-Closure Care]."

5. 310 CMR 30.099(6)(d) is hereby amended by striking out the ";" in the last sentence and inserting thereafter the following:-

". "

6. 310 CMR 30.099(6)(d) is further amended by inserting after the last sentence the following:-

Notwithstanding any provision of 310 CMR 30.099(6) or 310 CMR 30.660 [Groundwater Protection], the Department may require the owner or operator of any facility subject to the requirements of 310 CMR 30.099(6) to comply with, and such owner or operator shall comply with, all or part of 310 CMR



30.660 [Groundwater Protection] if the Department determines that such actions is appropriate to protect public health, safety or welfare or the environment;

7. 310 CMR 30.104(19)(p) is hereby amended by striking out the words "310 CMR 30.104(21)(o)" and inserting in its place the following:-

310 CMR 30.104(19)(o)

8. 310 CMR 30.105 is hereby amended by inserting in its place the following:-

PCB-containing dielectric fluid and electric equipment containing such fluid authorized for use and regulated pursuant to 40 CFR Part 761, and that contain polychlorinated biphenyls (PCBs) in concentrations less than 50 parts per million, and that are hazardous only because they fail the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) are exempt from regulation under 310 CMR 30.000.

9. 310 CMR 30.131, under the definition for F001 and immediately after the words "The following spent halogenated solvents", is hereby amended by deleting the words "or any combination thereof".

10. 310 CMR 30.131, under the definition for F002 and immediately after the words "The following spent halogenated solvents", is hereby amended by deleting the words "or any combination thereof".

11. 310 CMR 30.131, under the definition for F003 and immediately after the words "The following spent non-halogenated solvents", is hereby amended by deleting the words "or any combination thereof".

12. 310 CMR 30.131, under the definition for F004, is hereby amended by striking out the existing definition for F004 and inserting in its place the following:-

The following spent halogenated solvents: Cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

13. 310 CMR 30.131, under the definition for F005 and immediately after the words "The following spent non-halogenated solvents", is hereby amended by deleting the words "or any combination thereof".

14. 310 CMR 30.153(2) is hereby amended by striking out the words "TM-01-60" and inserting in its place the following:-

TM-01-69



15. 310 CMR 30.206 is hereby amended by striking out the words "General Conditions for All Recycling Permits" and inserting in its place the following:-

Additional Requirements for Recycling Permittees

16. 310 CMR 30.223(3) is hereby amended by striking out said division and its subdivisions [(a) and (b)] and inserting in its place the following:-

(3) Class A regulated recyclable material transported by a transporter described in 310 CMR 30.223(1)(a) shall be accompanied by a manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing and distribution of copies of manifests.

17. 310 CMR 30.252(2) is hereby amended by striking out "40.000" and inserting in its place the following:-

40.0000

18. 310 CMR 30.252(2) is further amended by striking out "40.00" and inserting in its place the following:-

40.0000

19. 310 CMR 30.252(2)(a) is hereby amended by striking out "40.00" and inserting in its place the following:-

40.0000

20. 310 CMR 30.252(2)(b) is hereby amended by striking out "40.00" and inserting in its place the following:-

40.0000

21. 310 CMR 30.254(4) is hereby amended by striking out said division and its subdivisions [(a) and (b)] and inserting in its place the following:-

When waste oil or off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.223) generated by a generator described in 310 CMR 30.253(5) is collected and transported, such waste oil or used oil fuel shall be accompanied by a manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of manifests.

22. 310 CMR 30.316(1) is hereby amended by striking out the words "310 CMR 30.316(1) through (4)" and inserting in its place the following:-

"310 CMR 30.316(1)(a) through (d).

23. 310 CMR 30.334 is hereby amended by inserting after said section the following:-

- (1) Duty to Provide Information. Any person who has notified or registered with the Department as a generator pursuant to 310 CMR 30.061, 30.303(1), or 30.353(5), shall provide the Department, within a reasonable time, any information which the Department may request and which is deemed by the Department to be relevant in determining whether the generator is in compliance with 310 CMR 30.000 as applicable. All reports providing such requested information shall be signed and submitted to the Department in compliance with 310 CMR 30.006 and 30.009.

24. 310 CMR 30.353(2)(a) is hereby amended by striking out the duplicative reference to "30.353(2)(a)"

25. 310 CMR 30.353(6)(h) is hereby amended by striking out "310 CMR 30.340(1)(f)" and inserting in its place the following:-

310 CMR 30.340(1)(f)-(k)

26. 310 CMR 30.394 is hereby deleted.

27. 310 CMR 30.534 is hereby amended by striking out "20:532" (at the top of page 576) and inserting in its place the correct regulatory citation.

28. 310 CMR 30.544 is hereby amended by striking out "8700-13B" and inserting in its place the following:-

8700-13A

29. 310 CMR 30.581A is hereby deleted.

30. 310 CMR 30.581B is hereby amended by striking out the heading "30.581B: Applicability [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.581: Applicability [Effective on and after July 1, 1988]

31. 310 CMR 30.582A is hereby deleted.

32. 310 CMR 30.582B is hereby amended by striking out the heading "30.582B: Closure Performance Standard [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.582: Closure Performance Standard [Effective on and after July 1, 1988]

33. 310 CMR 30.583A is hereby deleted.



34. 310 CMR 30.583B is hereby amended by striking out the heading "30.583B: Contents and Approval of Closure Plan; Notification of Closure [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.583: Contents and Approval of Closure Plan; Notification of Closure [Effective on and after July 1, 1988]

35. 310 CMR 30.584A is hereby deleted.

36. 310 CMR 30.584B is hereby amended by striking out the heading "30.584B: Time Allowed for Closure [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.584: Time Allowed for Closure [Effective on and after July 1, 1988]

37. 310 CMR 30.585A is hereby deleted.

38. 310 CMR 30.585B is hereby amended by striking out the heading "30.585B: Disposal or Decontamination of Equipment [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.585: Disposal or Decontamination of Equipment [Effective on and after July 1, 1988]

39. 310 CMR 30.586A is hereby deleted.

40. 310 CMR 30.586B is hereby amended by striking out the heading "30.586B: Recording Survey Plat [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.586: Recording Survey Plat [Effective on and after July 1, 1988]

41. 310 CMR 30.591A is hereby deleted.

42. 310 CMR 30.591B is hereby amended by striking out the heading "30.591B: Applicability [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.591: Applicability [Effective on and after July 1, 1988]

43. 310 CMR 30.592A is hereby deleted.

44. 310 CMR 30.592B is hereby amended by striking out the heading "30.592B: Post-Closure Care and Use of Property [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.592: Post-Closure Care and Use of Property [Effective on and after July 1, 1988]



45. 310 CMR 30.593A is hereby deleted.

46. 310 CMR 30.593B is hereby amended by striking out the heading "30.593B: Post-Closure Plan [Effective on and after July 1, 1988]" and inserting in its place the following:-

30.593: Post-Closure Plan [Effective on and after July 1, 1988]

47. 310 CMR 30.633(2A) is hereby deleted.

48. 310 CMR 30.633(2B) is hereby amended by striking out "(2B) [Effective on and after July 1, 1988]" and inserting in its place the following:-

(2) [Effective on and after July 1, 1988]

49. 310 CMR 30.697(4)(a) is hereby amended by striking out "310 CMR 40.300" and inserting in its place the following:-

310 CMR 40.0000

50. 310 CMR 30.697(4)(b) is hereby amended by striking out "310 CMR 40.900" and inserting in its place the following:-

310 CMR 40.0000

51. 310 CMR 30.908A is hereby amended by striking out the heading "30.908A Liability Requirements (Effective July 1, 1987)" and inserting in its place the following:-

30.908 Liability Requirements (Effective July 1, 1987)



